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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,247	12/08/2003	Vaughn T. Rokosz	LOT920030053US1	2509

23550 7590 04/04/2008  
HOFFMAN WARNICK & D'ALESSANDRO, LLC  
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ALBANY, NY 12207

EXAMINER
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WONG, LUT

ART UNIT	PAPER NUMBER
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2129

NOTIFICATION DATE	DELIVERY MODE
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04/04/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,247	<b>Applicant(s)</b> ROKOSZ ET AL.	
	<b>Examiner</b> LUT WONG	<b>Art Unit</b> 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is responsive to an RCE AMENDMENT entered Jan 30, 2008 for the patent application 10/730247

The Final Office Action of Oct 30, 2007 is fully incorporated into this Office Action by reference.

### ***Status of Claims***

Claims 1, 4-22 are pending. Claims 1, 8, 13, 18 have been amended.

### ***Response to Arguments***

In re pgs. 9-10, Applicant's amendment has overcome 112 1<sup>st</sup> and 2<sup>nd</sup> rejections.

### ***Claim Rejections - 35 USC § 102***

**Claims 1, 4-22 are rejected under 35 U.S.C. 102(b) as being anticipates by Netscan as set forth in previous office action.**

### ***Response to Arguments***

In re pg. 10-11, applicant argues

In contrast, the Netscan system simply lists all of the collaborative spaces in a modified order based on, among other things, the "number of replies." Simply determining how many replies have been made is not equivalent to determining the "nature and type of interactivity" within a collaborative space. Thus, Applicants submit that Netscan fails to disclose each and every element of claim 1 and respectfully request withdrawal of the rejection.

In response, the Examiner disagrees.

1) The amended limitation "to determine the nature and type of interactivity within the collaborative space" does not add any weight to the patentability. Such phrase is directed to intended result. It is not a positive limitation that requires any steps to be performed. See MPEP 2106 IIC.

2) In regarding the amended limitation of "categorizing...based on the nature and type of interactivity within the collaborative space", the Examiner refers to applicant's spec [0026-0028] for claim interpretation. The intrinsic evidence suggested that "number of replies" determines the nature of interactivity. See applicant's spec [0026-0027]. Thus, Netscan still reads on the claim because Netscan categorize newsgroups based on "number of replies" (i.e. Netscan categorize newsgroups based on "the nature and the type of interactivity" within the newsgroups).

In re pg. 11-14, applicant argues similarly for the claims 8, 13, 18.

In response, see the response above.

#### ***Examiner Note***

In case the applicant is willing to amend, the Examiner suggests the following:

- 1) Further narrow the "collaborative space" to exclude newsgroups because Netscan is primarily categorizing newsgroups.
- 2) Further narrow the "interactivity metrics" and directed to specific metric(s) that is/are not teach by Netscan.

### Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lut Wong whose telephone number is (571) 270-1123. The examiner can normally be reached on M-F 7:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent David can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lut Wong/  
Patent Examiner, AU 2129

/David R Vincent/  
Supervisory Patent Examiner, Art Unit 2129